

1982 S.C. Op. Atty. Gen. 60 (S.C.A.G.), 1982 S.C. Op. Atty. Gen. No. 82-57, 1982 WL 155026

Office of the Attorney General

State of South Carolina

Opinion No. 82-57

August 26, 1982

\*1 Honorable Joyce C. Hearn  
Member  
House of Representatives  
432-A Blatt Building  
Columbia, South Carolina 29211

Dear Representative Hearn:

In response to your request for an opinion from my Office regarding whether or not proposed reorganizational changes in Richland County's 'management, administrative and operational structure' can be effected without the approval of the Richland County Council, I agree with the conclusion of the assistant county attorney that Council approval is necessary. In the council-administrator form of county government, the administrator is responsible for the implementation of the policies and directives of the council. [§ 4-9-630\(2\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. This responsibility clearly contemplates that the council in fact make those policies and issue those directives that are to be carried out. In my opinion, the proposed reorganizational changes must either originate with or receive the sanction of the Richland County Council before they can be effected.

In response to your inquiry regarding resolutions as opposed to ordinances, the 'home rule' legislation requires that any 'legislative action' taken by a county council must be done by ordinance. [§ 4-9-120, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. Accordingly, any nonlegislative action can be taken by resolution or by other means less formal than by ordinance. 5 McQUILLIN MUNICIPAL CORPORATIONS §§ 15.01 et seq.

With kind regards,

Daniel R. McLeod  
Attorney General

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